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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,118

12/30/2003

Michael D. O'Shea

KCX-732 (19571)

1747

22827 7590 07/24/2008

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GREENVILLE, SC 29602-1449

EXAMINER

HENRY, RODNEY M

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,118	Applicant(s) O'SHEA ET AL.	
	Examiner RODNEY M. HENRY	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 8,13-21,23,25,34,37-50 and 58-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12,22,24,26-33,35,36 and 51-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/23/2004, 8/20/2004, 11/26/2004, 7/5/2005.

DETAILED ACTION

The following is a final office action on the merits. Examiner acknowledges communications dated May 21st, 2008. Claims 1, 4, 5, 9, 10, 24, 26, 27, 35, 36 as amended have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 11, 22, 24, 28-30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Holda-Fleck (US 5,729,693).

As per claims 1, 27 Moskowitz et al. discloses an electronic rebate system and a method comprising:

at least one electronic tag device associated with products (Column 5, lines 25-26 discloses identification token 412 (of FIG. 4) is a radio frequency identification tag (RFID) on product 402), wherein each distinct product is associated with at least one electronic tag (FIG 4 shows product 402 with a single RFID)), and

wherein said electronic tag stores product-identification-information (Column 2, lines 6-9 discloses a receipt identification token corresponding to a purchased product provides identification information on purchase location, purchase price, etc.);

at least one electronic reading device configured to retrieve information from said electronic tag (FIG 4 shows the electronic reading device 404).

Moskowitz et al. does not disclose a first computer in communication with said electronic reading device to retrieve said product-identification-information stored in an electronic tag associated with a product being purchased by a customer at a point of sale;

said first computer further configured to use said product-identification-information to acquire rebate-claim-information and said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase; and

wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer, said first computer configured to communicate said rebate-claim-status information to the customer.

However, Holda-Fleck discloses a first computer in communication with said electronic reading device to retrieve said product-identification-information stored in an electronic tag associated with a product being purchased by a customer at a point of sale (see col 1, lines 45-57, and col 7, lines 50-55);

said first computer further configured to use said product-identification-information to acquire rebate-claim-information and said first computer further configured to communicate with a second computer and to transfer to said second

computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneous with the purchase (see col 8, lines 5-12); and

wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer, said first computer configured to communicate said rebate-claim-status information to the customer (see col 8, lines 5-14).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate claim status information to the system of Moskowitz et al. in order to provide consumers with verification information of their rebates.

As per claims 2 Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID).

As per claims 3 Moskowitz et al. discloses the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

As per claim 4, Moskowitz et al. does not discloses a customer interface configured with said first computer to receive and communicate said rebate-claim-status information to the customer.

However Holda-Fleck discloses a customer interface configured with said first computer to receive and communicate said rebate-claim-status information to the customer (see col 8, lines 1-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add rebate claim status information to the system of Moskowitz et al. in order to provide consumers with verification information of their rebates.

As per claim 5, Moskowitz et al. does not disclose rebate-claim-status information is one of real-time information and near real-time information.

However Holda-Fleck discloses rebate-claim-status information is one of real-time information and near real-time information (see col 8, lines 1-4, via real time terminated call).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add real-time information and near real-time information with rebate claim status information to the system of Moskowitz et al. in order to provide consumers with instantaneous verification information of their rebates.

As per claim 6, Moskowitz et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification code; (f) proof-of-purchase code; and (g) an electronic address (Column 5, lines 6-7 discloses a universal product code (UPC), construed to be identification code).

As per claim 7, Moskowitz et al. discloses rebate-claim-information comprises at least one member from the group consisting of:
(a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address;

(e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code. (Column 6, lines 9-14 discloses that upon completion of the product information, such as date of purchase, as shown in FIG. 5, the cash rebate is offered).

As per claims 11, Moskowitz et al. discloses that a first computer is a retailer central computer (Column 6, lines 20-31 discloses a kiosk in a retail environment, where client computer 406 is a central computer).

As per claim 22, Moskowitz et al. discloses a second remote computer is a portable customer computer in communication with at least one of said first computer and said first remote computer via a wireless communication connection (Column 6, lines 22-28 discloses client computer 406 of FIG. 4 as a PDA (portable computer) is in communication with a first computer via a LAN. Column 2 lines 58-59 discloses wireless communication links).

As per claim 24, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

Holda-Fleck Jr. teaches a system and method to automatically provide an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate as taught by Holda-Fleck in order to provide consumers with automatic rebates at banking centers.

As per claims 28, Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID)).

As per claims 29 Moskowitz et al. discloses the electronic reading device is an RFID STR device (Column 5, line 4 discloses that reading device 404 of FIG. 4 scans identification token 412).

As per claims 30, Moskowitz et al. discloses that a first computer is a retailer central computer (Column 6, lines 20-31 discloses a kiosk in a retail environment, where client computer 406 is a central computer).

As per claim 32, Moskowitz et al. discloses product-identification-information comprises at least one member from the group consisting of: (a) product model number; (b) product serial number; (c) rebate promotion code; (d) product name; (e) identification

code; (f) proof-of-purchase code; and (g) an electronic address; and (f) a URL link.

(Column 5, lines 6-7 discloses a universal product code (UPC), construed to be identification code).

As per claims 33, Moskowitz et al. discloses rebate claim information comprises at least one member from the group consisting of: (a) customer name; (b) customer's financial institution tracking number; (c) customer's account number at customer's financial institution; (d) customer's mailing address; (e) customer's e-mail address; (f) customer's phone number; (g) customer's credit card number; (h) customer's debit card number; (i) a pin code; (j) an authorization code; (k) customer's electronic signature; (l) product model number; (m) product serial number; (n) rebate promotion code; (o) product name; (p) an electronic address; (q) proof-of-purchase code; (r) date of purchase; (s) time of purchase; (t) product identification code; (u) product information; (v) retailer name; (w) retailer location; (x) retailer identification code; and (y) transaction code (Column 5, lines 62-67 discloses the user address gets encoded onto the bar code and becomes part of the rebate claim information via the product evaluation form).

3. Claims 9, 10, 12, 26, 31, 35, 36, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983).

As per claims 9, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at

least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

As per claims 10, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (Column 10, lines 21-26 discloses a scenario for being able to deny a consumer when the consumer tries to redeem both a mail-in rebate and a POS rebate. It says the manufacturer will not issue a rebate check).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number as taught by Packes Jr. et al. in order to prevent and to inform customers that they can not use a single rebate offer twice.

As per claims 12, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is one of (a) a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1) and (b) a rebate processing center central computer (Column 12, lines 52-62 discloses redemption process 700 shown in FIG. 7

and the rebate processing center being a POS, along with its associated computing devices such as a computer connected to the internet).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and (b) a rebate processing center central computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

As per claims 26, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that said first or second computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part

of said rebate-claim-status information as taught by Packes Jr. et al. in order to provide customers with an expedient means of getting rebate information.

As per claim 31, Moskowitz et al. discloses the elements of the third party computer (Column 3, lines 4-10 discloses network 102 a host of computers consisting of commercial, government, education and other computers (third party computers)).

However, Moscovitz et al. fails to explicitly disclose that a second computer is a manufacturer central computer.

Packes Jr. et al. teaches a method and system for processing a rebate having second computer is a manufacturer central computer (Column 3, lines 44-45 discloses manufacturer server 105 of FIG. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a second computer is one of (a) a manufacturer central computer and a third party computer as taught by Packes Jr. et al. in order to provide a system in which the product rebates is integrally tied to the manufacturers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include a first computer configured to receive rebate status information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information.

As per claims 35, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number (Column 10, lines 21-26 discloses a scenario for being able to deny a consumer when the consumer tries to redeem both a mail-in rebate and a POS rebate. It says the manufacturer will not issue a rebate check).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate status information comprises at least one member from the group consisting of: (a) rebate claim accepted notice; (b) rebate claim denied notice; (c) rebate claim denied code; (d) rebate claim reference code; (e) EFT transaction code; (g) e-mail notice; and (h) rebate check number as taught by Packes Jr. et al. in order to prevent and to inform customers that they can not use a single rebate offer twice.

As per claims 36, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to generate at least one of (a) rebate status documentation comprising at

least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is further configured to generate at least one of (a) rebate status documentation comprising at least part of said rebate status information wherein said rebate status documentation is given to the customer at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a kiosk at a point of sale) and (b) a receipt comprising at least part of said rebate status information wherein said receipt is given to the customer at the point of sale (Column 12, lines 54-60 discloses a rebate information getting printed in a barcode on a receipt).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate updates at a POS and receipts containing rebate information as taught by Packes Jr. et al. in order to provide consumers with access to their rebate information at the POS so that they can make use of offers appropriately.

As per claim 51, Moskowitz et al. discloses a method for electronically processing a rebate claim, said method comprising:

associating at least one electronic tag device associated with products (Column 5, lines 25-26 discloses identification token 412 (of FIG. 4) is a radio frequency identification tag (RFID) on product 402), wherein each

distinct product is associated with at least one electronic tag (FIG 4 shows product 402 with a single RFID)), and wherein said electronic tag stores product-information (Column 2, lines 6-9 discloses a receipt identification token corresponding to a purchased product provides identification information on purchase location, purchase price, etc.);

receiving a rebate claim comprising rebate-claim-information for a product being purchased by a customer at a point of sale (FIG. 4 shows computer 406, retrieving information (rebate-claim-information via the product evaluation form) from product 402).

However, Moscovitz fails to explicitly disclose evaluating the validity of said rebate claim using at least part of said rebate-claim-information; and

transmitting rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said customer at said point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate which evaluates the validity of said rebate claim using at least part of said rebate-claim-information (Column 10, lines 21-22 discloses the consumer being prevented from redeeming both a mail-in rebate and a POS rebate when it pertains to the same promotion); and

transmits rebate-claim-status information to a computing device at the point of sale wherein at least part of said rebate-claim-status-information is presented to said

customer at said point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via a web site (PCs, PDAs etc. or at a kiosk)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include validation of rebate claims and transmission of rebate status as taught by Packes Jr. et al. in order to prevent fraud and to provide customers with an up to date information on their rebate status at points of sale.

As per claim 52 Moskowitz et al. discloses the electronic tag device is an RFID smart tag (Column 5, lines 25-26 discloses that identification token 412 of FIG. 4 is a radio frequency identification tag (RFID).

As per claim 53, The Moskowitz et al. and Packes Jr. et al. combination as applied to claim 51 discloses the elements of the claimed invention, but fails to explicitly disclose that rebate-claim-status information is transmitted to a hand held computing device at the point of sale.

Packes Jr. et al. teaches a method and system for processing a rebate having rebate-claim-status information is transmitted to a hand held computing device at the point of sale (Column 15, lines 60-64 discloses a consumer is able to receive rebate status information via PDAs (hand held computing devices)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Moskowitz et al. to include rebate-claim-status information is transmitted to a hand held computing device at the point of sale as

taught by Packes Jr. et al. in order to provide consumers with access to their rebate information using portable computing devices.

As per claims 54, Moskowitz et al. discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information.

Packes Jr. et al. teaches a method and system for processing a rebate having a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information (Column 15, lines 60-67 discloses an e-mail notification of the rebate status is sent to the user).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Moskowitz et al. to include a first computer is configured to transmit an electronic mail message to a predefined electronic mail address wherein said electronic mail message contains at least part of said rebate-claim-status information as taught by Packes Jr. et al. in order to provide customers with an expedient means of getting rebate information.

4. Claims 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983), further in view of Holda-Fleck (US 5,729,693).

As per claims 55, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that a first computer is further configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an electronic consumer rebate having a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include a first computer configured to initiate an electronic fund transfer from a first bank account into a second bank account in the amount of the rebate as taught by Holda-Fleck in order to provide consumers with automatic rebates.

As per claims 56, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that the electronic fund transfer is an automated clearing house transfer.

Holda-Fleck Jr. et al. teaches a system and method to automatically provide an

electronic consumer rebate having that the electronic fund transfer is an automated clearing house transfer (Column 2, lines 32-33 discloses electronic funds transfer to the bank account of the consumer, from the bank account of the manufacturer or the retailer. This exchange of funds/checks is what clearing houses do).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include electronic fund transfer as an automated clearing house transfer as taught by Holda-Fleck in order to promote banking alliances.

5. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz et al. (US 2003/0164979), in view of Packes Jr. et al. (US 7,006,983), and further in view of Carlson et al. (US 4,758,714).

As per claim 57, the Moskowitz et al. and Packes Jr. et al. combination discloses the elements of the claimed invention, but fails to explicitly disclose that the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale.

Carlson et al. teaches a point-of-sale mechanism having the status of said electronic fund transfer transaction is indicated on a receipt given to the customer at the point of sale (Column 9, lines 56-65 discloses the cancelled EFT check is presented to the customer as his receipt at the point of sale).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Moskowitz et al. and Packes Jr. et al. combination to include the status of said electronic fund transfer transaction is indicated

on a receipt given to the customer at the point of sale as taught by Carlson et al. in order to provide consumers with automatic rebates.

Response to Arguments

The applicant's arguments are moot in light of the new grounds of rejection above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Tuesday through Friday from 7:30am to 7:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached 570-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMH

/Arthur Duran/
Primary Examiner, Art Unit 3622
7/17/2008